

Message Text

CONFIDENTIAL

PAGE 01 STATE 302050

60

ORIGIN SS-25

INFO OCT-01 ISO-00 SSO-00 /026 R

DRAFTED BY EA/J:RMDEMING;BB
APPROVED BY EA/J:MR. SHERMAN
EA: JRCUNNINGHAM
S/S-O:LRMACFARLANE
DESIRED DISTRIBUTION
EA ONLY

----- 013675

O 240031Z DEC 75
FM SECSTATE WASHDC
TO AMEMBASSY TOKYO IMMEDIATE

C O N F I D E N T I A L STATE 302050

STADIS////////////////////////////////////
EXDIS

E.O. 11652: GDS

TAGS: MARR, JA

SUBJECT: JFAP

REF: TOKYO 17932

FOR SHOESMITH FROM SHERMAN

1. SUMMARY: SCMITZ AND DEMING AND I HAVE REVIEWED OUR
JFAP FILES AND OUR MEMORIES, AND WE HAVE RELUCTANTLY CON-
CLUDED THAT THE GOJ HAS A STRONG ARGUMENT THAT EXHAUSTION
OF THE \$65 MILLION CONSTRUCTION CREDIT ENDS ITS OBLIGATION
TO CONSTRUCT FACILITIES WHICH WERE TO BE DEBITED
AGAINST THIS CREDIT AND WHICH ARE CLEARLY NOT GOJ
OBLIGATIONS UNDER THE SOFA. THE GOJ OF COURSE REMAINS
COMMITTED TO CONSTRUCT THE PROJECTS WHICH IT AGREED TO
UNDERTAKE OUTSIDE THE \$65 MILLION CREDIT AND THOSE PRO-
JECTS WITHIN THE CREDIT WHICH DO NOT RAISE SOFA
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 302050

PROBLEMS. END SUMMARY.

2. TO SAY THE LEAST, THERE ARE A FEW AMBIGUITIES IN OUR

JFAP ARRANGEMENTS. ON THE ONE HAND, THE JANUARY 23 AGREEMENT REPRESENTS A FIRM COMMITMENT BY THE GOJ TO UNDERTAKE THE LISTED PROJECTS, AND THE FUNDING ARRANGEMENTS ARE INCIDENTAL. ON THE OTHER HAND THE

NEGOTIATING RECORD SHOWS THAT WE MADE A SUBTLE DISTINCTION BETWEEN THOSE PROJECTS TO BE UNDERTAKEN OUTSIDE THE \$65 MILLION AND THOSE TO BE DEBITED AGAINST CONSTRUCTION CREDIT. THOSE OUTSIDE THE CREDIT WERE EITHER QUID PRO QUO OR DIRECTLY RELATED TO THE P-3 RELOCATION AND THEREFORE DID NOT PRESENT SOFA PROBLEMS (NSA HOUSING AT MISAWA IS OF COURSE AN EXCEPTION). THOSE PROJECTS WHICH WE AGREED TO DEBIT AGAINST THE \$65 MILLION WERE EITHER ITEMS WHICH WE HAD PREVIOUSLY AGREED COULD BE SO DEBITED (E.G. THE ORIGINAL \$9.4 MILLION ESTIMATED COST OF THE P-3 MOVE FROM NAHATO FUTENMA) OR PROJECTS WHICH WERE NOT QUID PRO QUO OR DIRECTLY RELATED TO THE RELOCATION AND THEREFORE NOT EASILY JUSTIFIED UNDER THE SOFA. WE DO NOT BELIEVE THAT WE TRIED TO DO THE GOJ A FAVOR BY ALLOWING SOME OF THE JFAP ITEMS TO BE DEBITED AGAINST THE \$65 MILLION. RATHER WE SAW THE JFAP AS A MEANS FOR PROVIDING A COVER FOR PROJECTS WHICH WE WISHED THE GOJ TO UNDERTAKE IN CONNECTION WITH ITS REVERSION OBLIGATIONS BUT FOR WHICH THE GOJ COULD NOT FIND A RATIONALE UNDER THE SOFA. WE BELIEVE THEREFORE THAT THERE IS A CASE THAT THE EXHAUSTION OF THE \$65 MILLION CREDIT ENDS THE GOJ'S OBLIGATIONS TO BEND

THE SOFA TO ACCOMMODATE QUESTIONABLE PROJECTS. THE EXHAUSTION OF THE CREDIT DOES NOT, OF COURSE, RELIEVE THE GOJ OF ITS OBLIGATIONS TO COMPLETE THE PROJECTS WHICH ARE TO BE FUNDED OUTSIDE THE \$65 MILLION OR TO CARRY THROUGH THE PROJECTS WHICH WERE DEBITED AGAINST THE CONSTRUCTION CREDIT BUT WHICH ARE ALSO QUID PRO QUO, DIRECTLY RELATED TO THE P-3 MOVEMENTS, OR CLEARLY ITS RESPONSIBILITY UNDER THE SOFA. IN OTHER WORDS WITH THE EXHAUSTION OF THE \$65 MILLION WE LOSE THE LEVERAGE WE HAD ON THE GOJ TO INTERPRET THE SOFA "LIBERALLY" CONCERNING THESE PROJECTS.

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 302050

3. THE ABOVE IS OF COURSE AN INFORMAL AND PERSONAL VIEW OF THE SITUATION. I&L IN DOD WOULD CERTAINLY CHALLENGE IT, AND DOD WILL NOT EASILY ACCEPT THIS POSITION. THEREFORE YOU SHOULD NOT CARRY ON ANY DISCUSSION WITH THE GOJ ALONG THE ABOVE LINES. WHEN AND IF THE GOJ MAKES A SPECIFIC PROPOSAL IT SHOULD BE REFERRED BACK HERE AND WE WILL FIGHT IT OUT. KISSINGER

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: HOUSING, MILITARY BASES, CREDIT AGREEMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 24 DEC 1975
Decaption Date: 28 MAY 2004
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: morefirh
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE302050
Document Source: CORE
Document Unique ID: 00
Drafter: RMDEMING:BB
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750446-0090
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19751215/aaaaamgi.tel
Line Count: 114
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN SS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: STADIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: STADIS
Reference: 76 TOKYO 17932
Review Action: RELEASED, APPROVED
Review Authority: morefirh
Review Comment: n/a
Review Content Flags:
Review Date: 24 DEC 2003
Review Event:
Review Exemptions: n/a
Review History: WITHDRAWN <22 JUL 2003 by ShawDG, 3.4.X6>; RELEASED <24 DEC 2003 by ShawDG>; APPROVED <24 DEC 2003 by ShawDG>; APPROVED <05 JAN 2004 by morefirh>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: JFAP
TAGS: MARR, JA, JFAP
To: TOKYO
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006